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ANNEX 1

to the Commission Implementing Decision on the financing of the individual measure to strengthen migration management capacities in the Western Balkans for 2023

MEASURE

This document constitutes the annual work programme in the sense of Article 110(2) of the Financial Regulation, and annual and multiannual action plans and measures in the sense of Article 9 of IPA III Regulation and Article 23 of NDICI - Global Europe Regulation.

1. SYNOPSIS

| | |
|--|---|
| Title | Individual Measure to strengthen migration management capacities in the Western Balkans for 2023 |
| Beneficiary(y)/(ies) of the action | The action shall be carried out in Albania, Bosnia and Herzegovina, Montenegro, North Macedonia, Serbia and Kosovo* |
| OPSYS | OPSYS business reference: ACT-62190 |
| ABAC | ABAC Commitment level 1 number: JAD.1227898 |
| Basic Act | Financed under the Instrument for Pre-accession Assistance (IPA III) |
| Economic and Investment Plan (EIP) | No |
| EIP Flagship | No |
| Team Europe | No |
| Programming document | IPA III Programming Framework |
| PRIORITY AREAS AND SECTOR INFORMATION | |
| Window and thematic priority | Window 1 - Rule of Law, Fundamental Rights and Democracy Thematic priority: 3 - Fight against organised crime / security Thematic priority: 4 - Migration and border management |
| Sustainable Development Goals (SDGs) | Main SDG: SDG 16 – Peace, Justice and Strong Institutions Other significant SDGs: SDG 10 – Reduced inequalities |
| DAC code(s) | 15190 - Facilitation of orderly, safe, regular and responsible migration and mobility |

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence

| | | | | |
|----------------------------------|--|-------------------------------------|---|-------------------------------------|
| | - 50% | | | |
| Main Delivery Channel @ | 12000 - Recipient Government 47000 – Other multilateral institution | | | |
| Targets | <input type="checkbox"/> Climate <input type="checkbox"/> Gender <input type="checkbox"/> Biodiversity | | | |
| Markers (from DAC form) | General policy objective @ | Not targeted | Significant objective | Principal objective |
| | Participation development/good governance | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| | Aid to environment @ | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Gender equality and women's and girl's empowerment | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Reproductive, maternal, new-born and child health | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Disaster Risk Reduction @ | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Inclusion of persons with Disabilities | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Nutrition@ | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | RIO Convention markers @ | Not targeted | Significant objective | Principal objective |
| | Biological diversity @ | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Combat desertification @ | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Climate change mitigation @ | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Climate change adaptation @ | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Internal markers and Tags | Policy objectives | Not targeted | Significant objective | Principal objective |
| | Economic and Investment Plan (EIP) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | EIP Flagship | YES <input type="checkbox"/> | NO <input checked="" type="checkbox"/> | |
| | Tags: | YES | NO | |
| | Transport | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| | Energy | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| | Environment and climate resilience | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| | Digital | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| | Economic development (incl. private sector, trade and | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |

| | | | | |
|---------------------------|--|-------------------------------------|------------------------------|-------------------------------------|
| | macroeconomic support) | | | |
| | Human Development (incl. human capital and youth) | <input type="checkbox"/> | | <input checked="" type="checkbox"/> |
| | Health resilience | <input type="checkbox"/> | | <input checked="" type="checkbox"/> |
| | Migration and mobility | <input checked="" type="checkbox"/> | | <input type="checkbox"/> |
| | Agriculture, food security and rural development | <input type="checkbox"/> | | <input checked="" type="checkbox"/> |
| | Rule of law, governance and Public Administration reform | <input checked="" type="checkbox"/> | | <input type="checkbox"/> |
| | Other | <input type="checkbox"/> | | <input checked="" type="checkbox"/> |
| | Digitalisation @ | Not targeted | Significant objective | Principal objective |
| | | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Tags | YES | | NO |
| | digital connectivity | <input type="checkbox"/> | | <input checked="" type="checkbox"/> |
| | digital governance | <input type="checkbox"/> | | <input checked="" type="checkbox"/> |
| | digital entrepreneurship | <input type="checkbox"/> | | <input checked="" type="checkbox"/> |
| | digital skills/literacy | <input type="checkbox"/> | | <input checked="" type="checkbox"/> |
| | digital services | <input type="checkbox"/> | | <input checked="" type="checkbox"/> |
| | Connectivity @ | Not targeted | Significant objective | Principal objective |
| | | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Tags | YES | | NO |
| | digital connectivity | <input type="checkbox"/> | | <input checked="" type="checkbox"/> |
| | energy | <input type="checkbox"/> | | <input checked="" type="checkbox"/> |
| | transport | <input type="checkbox"/> | | <input checked="" type="checkbox"/> |
| | health | <input type="checkbox"/> | | <input checked="" type="checkbox"/> |
| | education and research | <input type="checkbox"/> | | <input checked="" type="checkbox"/> |
| | | Not targeted | Significant objective | Principal objective |
| | Migration @ | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| | Reduction of Inequalities @ | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | COVID-19 | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| BUDGET INFORMATION | | | | |
| Amounts concerned | Budget line: 15.020101.01 Total estimated cost: EUR 54 000 000 Total amount of EU budget contribution EUR 54 000 000 | | | |

| | |
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| | |
| MANAGEMENT AND IMPLEMENTATION | |
| Implementation modalities (management mode and delivery methods) | Direct management through: <ul style="list-style-type: none"> - Grants - Procurement Indirect management with the entity(ies) to be selected in accordance with the criteria set out in section 4.3.3. |
| Final date for concluding contribution / delegation agreements, procurement and grant contracts | At the latest by 31 December 2024 |
| Indicative operational implementation period | 72 months following the adoption of the Financing Decision |

2. PURPOSE OF THE ACTION

2.1. Context

In 2022, around 330 000 irregular border crossings were detected at the European Union's (EU) external border, according to Frontex data¹. This is the highest number since 2016 and an increase of 64% from the previous year. 2022 is the second year in a row with "a steep rise" in the number of irregular entries following a pandemic-induced low in 2020. The Western Balkan route was the most used in 2022, accounting for 45% of all irregular entries (145 600) into the EU following a year-on-year rise of 136%. Supporting the capacities of the Western Balkans to effectively manage migration by pursuing a comprehensive approach, including border management, reducing cross-border crime and tackling irregular migration are key priorities. The geographical location of the region vis-à-vis the EU, as well as the region's European perspective are particularly relevant in this respect.

The Action will contribute to the implementation of the EU Action Plan on the Western Balkans² presented by the Commission in December 2022, which aims at addressing the surge of irregular migratory movements to the EU via the Western Balkans route presented above. It will therefore further contribute to implementing the agreed 20 operational measures structured along 5 pillars included in the EU Action Plan: (1) strengthening border management along the routes; (2) swift asylum procedures and support reception capacity; (3) fighting migrant smuggling; (4) enhancing readmission cooperation and returns as well as (5) achieving visa policy alignment.

¹ <https://frontex.europa.eu/media-centre/news/news-release/eu-s-external-borders-in-2022-number-of-irregular-border-crossings-highest-since-2016-YsAZ29>

² https://home-affairs.ec.europa.eu/eu-action-plan-western-balkans_en

In support of the 2022 Communication on EU Enlargement Policy³ and in line with the IPA III Programming Framework, as well as the renewed EU action plan against migrant smuggling (2021-2025) and the Anti-Smuggling Operational Partnership⁴ with the Western Balkans that was launched at the EU-Western Balkans Justice and Home Affairs Ministerial meeting on 3-4 November 2022, this Action will further strengthen the capacities of the Western Balkan beneficiaries to implement Integrated Border Management (IBM) that is aligned with EU standards and the Schengen *acquis*. In particular, it will further strengthen the Western Balkans' capacities for border surveillance, returns management, inter-agency cooperation, and capacities of law enforcement officials to tackle organised crime, with particular focus on combating and prevention of migrant smuggling and trafficking in human beings (THB), and cross-border crime, while ensuring full respect of the rule of law and fundamental rights of migrants. Furthermore, the Action will strengthen the Western Balkans' capacities to manage mixed migration flows, to enhance capacities for effective identification and registration of migrants at the borders, and to improve protection capacities and the capacities of the respective administrations in overall migration management.

The Action is an important component within the wider enlargement process and EU accession negotiations under Chapter 24: Justice, freedom, and security of the EU *acquis* to support the development of effective border management systems and migration management capacities. It contributes to the enhancement of comprehensive EU migration and integrated border management assistance across the areas covered by the Pact on Migration and Asylum⁵ and responds to the conclusions of the special European Council meeting of 9 February 2023⁶, which called on the Commission to increase external action in main migratory routes. By improving capacities for migration management and border management and contributing to the fight against organised crime, the Action directly contributes to improved migration management systems in line with the objective of the EU Pact on Migration and Asylum and the EU enlargement policy. Importantly, the Action will contribute to strengthened capacities of the Western Balkan partners to implement the Frontex Status Agreements. The Action will build on and complement bilateral IPA assistance and regional assistance as well as operational actions on migrant smuggling, trafficking in human beings and high-risk criminal networks conducted in the context of the European Multi-disciplinary Platform Against Criminal Threats (EMPACT). In this way, the Action will increase the Western Balkan partner's capacities to participate in EMPACT operational actions, such as Joint Action Days at the external borders.

2.2. Problem Analysis

AREA OF SUPPORT 1: Strengthening border and migration management (*related to Outcome 1 – indicatively 65-75%*)

Albania (*indicatively EUR 10 million*)

Albania has become an increasingly important transit point on the Western Balkans migration route. The Albanian authorities lack adequate resources (human and technical) to monitor the border and crossings in line with EU standards⁷. Whilst there was a decrease in migratory flows registered in 2022 compared to 2021, data on registration in the first months of 2023 show an increased number of irregular migrants entering the country, in particular through the southern borders that cannot be monitored adequately. Migration and border police actions to fight cross-border crimes, including smuggling, have revealed the

³ COM(2022) 528 final 12.10.2022

⁴ COM(2021) 591 final 29.09.2021

⁵ COM(2020) 609 final 23.09.2020

⁶ <https://data.consilium.europa.eu/doc/document/ST-1-2023-INIT/en/pdf>

⁷ SWD(2022) 332 final 12.10.2022

need to boost the current border management capacities⁸. The management of the border crossing points and the green border depends on the capabilities of the authorities and the equipment for surveillance and interception. Current personnel and equipment resources are limited, but in parallel there are increasing numbers of citizens, business, and travellers' crossings. To ensure smooth cross-border movements, the authorities need to improve the efficiency at the borders, while respecting the individual rights and addressing the different forms of vulnerability.

In order to further align with the EU standards, the Albanian authorities need to further strengthen inter-institutional coordination and exchange of information among all authorities responsible for border surveillance and migration management. The Ministry of Interior has identified several equipment needs, including the update of current technical systems that have become outdated and that pose a serious challenge to border security, as well as the ability of Albanian institutions to prevent and combat criminal activities at the border crossing points and zones.

The overall staffing of the Albanian State Police's Department for Border and Migration remains limited. Permanent training structures should be established in compliance with basic training standards for EU border guards. The high turnover of officers continues and should be addressed. Border and Migration Police officers should increase their capacities to identify irregular flows and illegal cross-border activities but also the specific needs of asylum seekers and victims of trafficking in terms of referral to relevant services, be it asylum service, or specialised support services. Coordination with child protection and anti-trafficking departments should also improve. There are persistent reports of certain deficiencies in conducting returns to Greece, without adequate pre-screening or adequate provision of information to migrants. Albania should ensure that its return procedures for irregular migrants are in line with the EU acquis and standards including as regards the protection of fundamental rights.

Setting up information systems that allow for the recording of personal data of persons crossing the borders and the capacity to identify and register migrants and asylum applicants is an important aspect to ensuring effective management of migration. This could include biometrics, in full consideration of data protection standards. Such systems should be inter-operable regionally, ensure the necessary exchange of operational information and eventually, upon accession to the EU, capable to align and comply with EURODAC. The action will therefore provide support to the implementation of the Masterplan which is to be developed by Frontex under Phase III of the ongoing IPA regional support to protection-sensitive migration management systems in the Western Balkans⁹. In this respect, the Masterplan will provide a comprehensive analysis of all legislative changes that may be necessary to operationalise such a system, including protection of data and in full respect of fundamental rights.

Whilst EU support has been provided over the last few years to boost the capacities of authorities, it is necessary to continue the support through technical, financial, and capacity building assistance to further strengthen Albanian structures, capacities and resources in place (both material and human) and to enable authorities to respond to the scope and volume of the migration flows. This support would include further strengthening operational capacity to effectively address irregular migration, migrant smuggling and other cross-border crimes.

Kosovo (*indicatively EUR 6.5 million*)

Kosovo is a landlocked territory with a green border/boundary mostly in mountainous areas which are difficult access. Kosovo has become an increasingly important transit point on the Western Balkans

⁸ Albania benefits from ongoing EU support through the EU4SAFE project (C(2018) 8221 final 5.12.2018). In addition, Frontex has been deployed in Albania since 2019.

⁹ C(2021) 9716 final 16.12.2021

migration route. The Kosovo authorities lack adequate resources (human and technical) to monitor the border/boundary and crossings in line with EU standards. While Kosovo is not yet affected by large migrant movements, it has been updating its contingency plan in case the migratory situation would change. Authorities continued to make progress in managing both regular migration and mixed migration flows. However, Kosovo should further increase capacities to accommodate migrants on its territory.

In order to enhance the protection space for asylum seekers, refugees and migrants, the measure could support the relocation of the existing detention facility which is part of the Vranidoll compound to a more adequate location and closer to Pristina airport, on the basis of justified needs. Currently, the detention facility is located in the middle of the compound and would need to be relocated to ensure a clear separation between migrants who qualify for detention in preparation for their return, from families, vulnerable groups, women, and minors. Safeguards need to be in place to ensure that laws, international standards and human rights are upheld and scrupulously applied, and the protection of migrants and asylum seekers is ensured. The legal framework on migration in Kosovo is largely in line with the EU *acquis*¹⁰. The current legal basis for the detention of migrants is the Law on Foreigners in Kosovo. The Law is currently being revised. The EU will provide expert advice to ensure that the revised law is consistent with EU and international standards, and practices in the EU.

Regarding increased capacities in border management, the action will provide technical assistance and specialised equipment to improve border management and surveillance capacities in line with EU best practices and standards. Importantly, the action will support the refurbishment of the Kulla border crossing point, which is a strategically important point in the region. The border crossing point at Kulla is used to monitor and check passengers, vehicles and goods arriving from and transiting to Montenegro. The existing facilities are in need of refurbishment and modernisation to properly serve their purpose. This specific component will be subject to conditionality and certain criteria should be met. In particular, continuation of border checks should not be impacted by refurbishment of the crossing point, and works should follow a timeline to be agreed in advance. Close consultation with NATO Mission in Kosovo (KFOR) should be envisaged in case of support for air surveillance of borders. In addition, all equipment shall be fully in line with relevant EU data protection regulations¹¹.

Moreover, strengthening the capacities of Kosovo authorities to deal with return and cooperation with countries of origin of migrants is key priority. This is also in view of the recently increasing number of arrivals to Kosovo. Support under this area would be provided to facilitate agreements between Kosovo and countries of origin to improve cooperation in data, information exchange and return.

Montenegro (*indicatively EUR 10 million*)

As highlighted in the Peer review mission held in 2021, Montenegro has made some progress in integrated border management (IBM). There is a good awareness of main threats and challenges amongst the border police's senior management, a clear will to further progress towards EU IBM standards and the fulfilment of the Schengen Action Plan. However, the lack of human resources (up to 40% of staff missing, according to the Schengen Action Plan) and insufficient equipment pose critical challenges in the field¹². As a multi-

¹⁰ SWD(2022) 334 final 12.10.2022

¹¹ A protection-sensitive approach should be followed, in line with the ongoing IPA III protection-sensitive migration programme (C(2021) 9716 final 16.12.2021)

¹² As part of the 2022 Annual Action Plan for Montenegro (C(2022) 9162 final 5.12.2022), EUR 12 million was provided through budget support, which in part will address the critical gaps in human resources and to improve human resource management.

million-euro tourist-destination and a hub for seasonal labour migration from neighbouring countries, Montenegro handles millions of legal border crossings every year. More than 50% of the human resources of the border police are therefore absorbed by border crossing points, leaving the border surveillance functions understaffed. The geography of Montenegrin borders (lakes, rivers, high mountains and forests), and the insufficient equipment (speedboats, vehicles, cameras, drones) add to this challenge – despite the EU and other donors' support.

The cumulative effect of the lack of staff and insufficient equipment makes the borders vulnerable to irregular migration and cross border crimes¹³. Montenegro has a 840 kms-long borders out of which 571 km is land border. Land border surveillance system is not yet fulfilling the requirements related to detection of all illegal border-crossings and interception of persons crossing the border illegally in high-risk areas. Moreover, whilst cooperation with the Asylum Directorate is good (the border police is in charge of registering migrants who declare their intention to seek asylum and to transfer them to the Asylum Office), the border police do not have a biometric registration system and takes fingerprints with ink on paper, so without data management, search and exchange capacity.

This measure will contribute to the achievement of the Operational objective 10 of the national IBM Strategy, which recognises a need for further development of the border checks system, state border surveillance and border infrastructure, through strengthening the capacity of the Border Police of Montenegro to protect its external borders and improve the functioning of the IBM system in combatting cross-border crime, preventing irregular crossings of the state border and protecting its inviolability, on land, sea and inland waters. Joint Operation (JO) Montenegro Sea 2022 is also a continuation of a previous operation, the JO Montenegro Sea 2021, aiming to provide technical and operational assistance to Montenegro by coordinating operational activities at its maritime borders, with the focus on the neighbouring EU Member States.

The measure will also support implementation of the Masterplan developed under IPA II by Frontex for Montenegro, which outlines the needs in terms of both, software and hardware for implementation of a biometric registration and identification of migrants aligned with EURODAC. The document was finalised at the end of 2021 and foresees procurement of requisite equipment aimed at having registration and identification system in line with EU standards. Through the IPA III Individual measure to strengthen border management capacities in favour of the Western Balkans for 2022¹⁴, a part of the necessary equipment for installation and operationalising the system will be procured.

The action will also contribute to ensure a well-managed migration and security environment, and to prevent irregular migration flows to the EU, thanks to a further alignment with the EU's visa policy. Visa policy alignment is a pre-condition to ensure a continuous fulfilment of the visa liberalisation benchmarks, given both the geographical location of the region vis-à-vis the EU, as well as the region's European perspective. The action will therefore support the upgrading and operationalisation of Montenegro's visa system through procurement of equipment and capacity-building of relevant personnel.

North Macedonia (*indicatively EUR 4 million*)

North Macedonia has continued to play an active role in the management of migration flows in the Western Balkans due to country's position along the main migratory routes that creates constant pressure at the

¹³ SWD(2022) 335 final 12.10.2022

¹⁴ C(2022) 7584 final 20.10.2022

border¹⁵. To further harmonise with EU standards and fully meet the conditions for EU membership, specific activities related to all segments of border control, including border check and border surveillance will need to be undertaken. The Frontex Status Agreement entered into force in April 2023. In relation to the border checks that are conducted at the area of border crossing points, outside the area of the border crossing point in a train, aircraft, vessel or in another place, the priority needs to be given to further modernisation of the border crossing points, the equipment and used IT systems, to enable quicker passenger and vehicle control and flow.

Strengthening the railway border crossings is of particular importance for improving the efficiency of the border controls, since railway border crossing remain vulnerable to migration pressure. The majority of the EU investments up to now have been directed to road and off-road controls, while security of the railways has not benefitted from specific assistance. The railway network of North Macedonia has a total length of 268 km and it encompasses railway lines of Corridor X, its branch X-d and the western part of Corridor VIII. Ongoing are the construction works along Corridor VIII (phase I and II) to establish the connection to the East with Bulgaria. The connection with Greece, Serbia and Kosovo is ensured through four border stations, two of which are on railway line of Corridor X (Tabanovce border point with Serbia and Gevgelija border point with Greece), one on Corridor X-d (new station Zabeni) and one on railway line going to Kosovo (station Volkovo). The improvement of the border control efficiency requires re-organisation of the railway border crossing points. Whilst the reorganisation of Tabanovce railway control point will benefit from Western Balkans Investment Framework (WBIF) support and a blending operation with the European Bank for Reconstruction and Development (EBRD), the re-organisation of the remaining three border control points needs to be ensured as part of the integrated border management strategy.

Serbia (*indicatively EUR 7 million*)

In Serbia, capacities for border management, including infrastructure, technical equipment and ICT of the border police are not aligned with EU standards. Organisational units of the border police (border police stations/regional centres) are not technically equipped sufficiently to implement their work in line with the approved Standard Operation Procedures for the registration of irregular migrants and foreigners. Infrastructure at border crossings does not enable faster movement of people and goods and control of the dual threats of corruption and organised crime at borders. The lack of technical capacities at borders crossing points is in part due to obsolete equipment. Moreover, considering software and hardware life cycle limitations and evolution technologies and communication, the existing solutions are not adequate, as well as fixed border surveillance and systems for border protection. The 2022 European Commission Report on Serbia¹⁶ indicates that “significant investment is needed in human, financial and technical resources for border control (second-line checks, border surveillance and equipment for the detection of forged documents), and in infrastructure at border crossing points in line with Schengen requirements”. The action will thus provide support to improve the technical capacities for border surveillance and management, as well as technical assistance to strengthen the implementation of European IBM.

Return of irregular migrants to countries of origin is a challenging area due to the situation in certain countries of origin, and the challenges Serbia faces in ensuring effective international cooperation on returns.. All returns, both voluntary and forced, must be conducted in full respect of international standards and human rights, including the principle of *non-refoulement*, as well as the proportionate use of means of constraints and the dignity of the returnee are guaranteed during the entire return operation. In 2021, 112

¹⁵ SWD(2022) 337 final 12.10.2022

¹⁶ SWD(2022) 338 final 12.10.2022

people were returned from Serbia to their country of origin. The Ministry of the Interior is responsible for forced return; however, it did not return migrants to their country of origin in accordance with readmission agreements. Between January and June 2022, Serbia organised 85 forced returns of foreign citizens from the shelter for foreigners in Padinska Skela to their country of origin. The question of protection of rights of migrants and effective access to asylum procedures is crucial in this context having in mind that many of the main countries of origin of irregular arrivals to Serbia are affected by wars and violence. The final report on implementation of the Strategy for combating irregular migration adopted by the Government of Serbia in July 2021 provides recommendations for continuing activities and for activities that need to be implemented in the future. Further support is thus required to improve the quality of services for irregular migrants and support returns to countries of origin, in line with EU and international standards.

AREA OF SUPPORT 2: Strengthening law enforcement capacities to fight organised crime (*related to Outcome 2 – indicatively 25-35%*)

Bosnia and Herzegovina (*indicatively EUR 10.5 million*)

Governance of mixed migration flows remains a key challenge in Bosnia and Herzegovina, which has also experienced a notable increase in organised criminal activities and the presence of organised crime groups who are engaged in the smuggling of migrants and trafficking in human beings through the territory of Bosnia and Herzegovina¹⁷. Considering the high level of organisation of criminal groups involved in such activities in and through the territory of Bosnia and Herzegovina and to ensure an efficient fight against these severe forms of crime that accompany irregular migration, it is of key importance for the law enforcement agencies in Bosnia and Herzegovina to have access to and use functional basic tools.

In this context, the establishment of a new automated fingerprint information system and palm print identification system (AFIS/APIS) are of key importance. In the field of combating organised crime and preventing and combating irregular migration through the digitalisation of biometric data of citizens (fingerprints and palm prints), these systems allow for the comparison and transfer of data within a short period of time, which in turn leads to faster investigation and verification of persons. The existing AFIS was acquired with EU funds in 2004 and it does not support an interface for data exchange. The implementation of the new AFIS/APIS system in Bosnia and Herzegovina will enable a more efficient exchange of data with EU countries, thus strengthening cross-border cooperation and the security of citizens both in the EU and in Bosnia and Herzegovina, especially in the fight against terrorism and cross-border crime.

It is also necessary to strengthen capacities to prevent capital flows resulting from illegal activities through provision of an anti-money laundering system (AMLS). This is an important aspect of migration management and internal security policy, as it contributes to the prevention and detection of money laundering by identifying and verifying the identity of individuals and entities involved in financial transactions. This in turn helps to prevent the exploitation of migrants by criminal organisations that seek to profit from human trafficking and smuggling of migrants. The existing AMLS was last upgraded in 2015 through the IPA 2013 programme for Bosnia and Herzegovina. Changes in EU and national regulations and practices in the subject area, the increasingly widespread use of cryptocurrencies, and the need for electronic submission of financial data from a wider number of legal entities, have brought the existing AMLS to an almost unusable state. Additionally, procurement and implementation of the new AMLS will support proper application of the new Law on combating money laundering and the financing of terrorist activities.

¹⁷ SWD(2022) 336 final 12.10.2022

The law enforcement agencies in Bosnia and Herzegovina need to substantially strengthen their capacities to fully benefit from the introduction and upgrade of the above digital systems. Short-term expertise will be mobilised to assist law enforcement authorities in getting up to speed with the newest technologies and to integrate them into their everyday operations. Support will be provided to the participation of relevant law enforcement authorities from the competent institutions in knowledge sharing and best practice exchange events, also to ensure long-term sustainability of results and to strengthen inter-agency cooperation.

Kosovo (*indicatively EUR 4 million*)

Kosovo has become an increasingly important transit point on the Western Balkans migration route and whilst there was a decrease in migration flows registered in 2021, there has since been an increased number of interceptions of irregular migrants and a rise in smuggling of migrants and trafficking in human beings. The Kosovo authorities lack adequate resources (human and technical) to monitor the border/boundary and crossings in line with EU standards. Past police operations to fight cross-border crime, including smuggling and corruption, have shown deficiencies of the current border management capacities. Further support is thus needed to address the challenges of migrant smuggling and trafficking in human beings, drug trafficking and other forms of organised crime, through the supply of advanced and specialised equipment. The Ministry of Internal Affairs has identified several equipment needs, including the update of current systems that have become outdated or depreciated. Such depreciation of equipment poses a serious challenge to border security, as well as the ability of Kosovo institutions to prevent and combat criminal activities at the border/boundary crossing points and zones.

Capacity-building support will also be provided to ensure the proper use and maintenance of such equipment and to ensure sustainability of results.

Montenegro (*indicatively EUR 2 million*)

Cooperation between the law enforcement agencies, especially automatic data exchange between them, is one of the key areas in the fight against organised crime. An important step that Montenegro fulfilled was the signature of a new Agreement for Improving Cooperation in the Area of Crime on Automatic Data Exchange between key institutions. In August 2022, the Government adopted a new Rulebook on organisation and systematisation of Ministry of Interior. Within the Border Police Sector, a new Group for combating of trafficking in human beings and cross-border crime was established. Having in mind that this Group will deal with the suppression and detection of criminal offenses of human smuggling and cross-border crime, while conducting the most complex criminal investigations as well as organizing and managing actions, it is necessary to ensure fast and secure automatic exchange of data with all relevant institutions.

The European Commission 2022 Report on Montenegro¹⁸ states that some of the institutions concerned are now connected at a technical level, which paves the way for automatic and secured access to each other's data. The special prosecutors, however, still use paper requests to access the required data. Training and capacity building are still needed to make the system fully operational. The Asset Recovery Office (ARO), established in the police within the unit in charge of international police cooperation, still lacks access to important databases such as that of the Customs Administration. So far, establishing of the communication

¹⁸ SWD(2022) 335 final 12.10.2022

network and web platform for automatic data exchange has been completed. In order to have a fully developed and functional system of data exchange it is necessary to upgrade the communication network for exchange of data and documentation with the degree of secrecy of a minimum level “Internal”, procure necessary server and storage capacities in order to upgrade the system, develop application and register the certification body to issue a Public Key Infrastructure (PKI) for issuance of cards for authentication of digital signature. In addition to this, procurement of computers, scanners and printers for beneficiary institutions will be supported.

3. DESCRIPTION OF THE ACTION

3.1. Intervention Logic

The Action will provide support to the Western Balkan beneficiaries to strengthen border management through provision of specialised equipment, infrastructure, and targeted capacity building of border officials. The Action will reinforce support to migration management, in particular the return of migrants in an irregular situation and who do not qualify for international protection. Specifically, the action will provide financial support for conducting returns, as well as technical assistance for developing effective return management systems, including capacity buildings and trainings on detection, identification and procedures of implementation of readmission and returns as well as on identification of persons in need of international protection and persons with vulnerabilities, with a view to improved referrals to appropriate services and departments. The Action will also contribute to the development of migration facilities.

Moreover, the Action will strengthen the capacities of law enforcement in the fight against smuggling of migrants and trafficking in human beings through provision of specialised equipment, IT systems and capacity building.

It will at all times ensure alignment with EU standards and full respect of fundamental rights in line with international standards.

The Overall Objectives (Impact) of this action are to:

1. Contribute to implementation of effective, efficient, and EU-aligned border and protection-sensitive migration management systems in the Western Balkans, and
2. Contribute to strengthened law enforcement capacities to fight organised crime and in particular the fight against smuggling of migrants and trafficking in human beings.

The Specific Objectives (Outcomes) of this action are:

1. Improved capacities of the Western Balkan beneficiaries to effectively manage their borders and migration in line with EU and international standards, and
2. Improved capacities of the Western Balkan beneficiaries to effectively fight organised crime, in particular the smuggling of migrants and trafficking in human beings.

The **typologies of Outputs** to be delivered by this action contributing to the corresponding Outcomes are:

Contributing to Outcome 1:

Output 1: Strengthened technical capacities for border and migration management

Output 2: Strengthened individual/institutional knowledge, structures and capacities of relevant authorities

Output 3: Strengthened operational capacities and mechanisms to conduct returns to countries of origin

Contributing to **Outcome 2:**

Output 4: Improved technical capacities to prevent and combat smuggling of migrants and trafficking in human beings

Output 5: Strengthened operational capacities of law enforcement authorities to prevent and combat smuggling of migrants and trafficking in human being

The **indicative Activities** related to the above typologies of Outputs are:

For **Output 1:**

- *Preparation of project documents for improvement of border infrastructure, including pre-assessment of existing infrastructure and equipment*
- *Preparation of tender documentation for procurement of relevant equipment/infrastructure*
- *Procurement, delivery, and installation of border surveillance equipment, including aerial, land, and maritime equipment as relevant*
- *Procurement of specialised border surveillance vehicles, including off-road vehicles, vans, and other specialised vehicles*
- *Procurement of specialised equipment for detection of persons*
- *Procurement of IT and communication infrastructure for identification and registration of migrants*
- *Procurement of requisite equipment for visa system*
- *Refurbishment of border crossing points (BCPs)*
- *Construction of migration facilities in full respect of human and fundamental rights and guaranteeing the specific needs of the most vulnerable persons*

For **Output 2:**

- *Capacity buildings and trainings, including development of training materials and curricula*
- *Development of Standard Operating Procedures (SOPs)*
- *Technical assistance to support surveillance and border security and ensure interoperability*
- *Update and implement training initiatives including train-the-trainer systems*

For **Output 3:**

- *Technical assistance provided to improve return (both voluntary and forced) operations of migrants to countries of origin*
- *Support to conducting returns (both voluntary and forced) to countries of origin in full respect of fundamental and human rights, including immediate post-arrival assistance*

For **Output 4:**

- *Establishment of automatic data exchange system between law enforcement agencies*
- *Provision of automated fingerprint/palm identification system (AFIS/APIS)*
- *Provision of Anti-Money Laundering System (AMLS)*
- *Procurement of specialised equipment*

For **Output 5:**

- *Capacity buildings and trainings, including development of training materials and curricula*
- *Development of Standard Operating Procedures (SOPs)*
- *Update and implement training initiatives including train-the-trainer systems*

3.2. Mainstreaming

Environmental Protection, Climate Change and Biodiversity

This Action does not pursue specific objectives as regards the environment and climate change. Environmental protection and climate change shall however be actively mainstreamed throughout this

Action. In procuring equipment it will be ensured, as far as possible, that environmentally friendly equipment, that causes as little harm and discrepancy to the environment and nature where it will be used, will be prioritised. It will also be assured that the new equipment is more energy efficient, produces less waste material and uses less resources to operate. Regarding output 1 the environmental footprint of the support provided to the operationalisation of migration facilities and basic services will be considered.

Gender equality and empowerment of women and girls

As per OECD Gender DAC codes identified in section 1.1, this action is labelled as G0. This implies that this Action does not pursue specific objectives as regards gender equality and empowerment of women and girls.

In the migration context, women and minors are particularly vulnerable. This will be fully considered throughout the support provided through this action. The strengthening of border and migration management, including identification and registration of migrants, returns and detention will improve capacities of relevant officials to detect and identify victims of trafficking in human beings and ensure these vulnerable groups, who are often women and minors, are referred to the relevant services and have their protection needs met.

Through the improvement of conditions and operationalisation of migration facilities, gender related issues shall be actively mainstreamed. It shall be assured that migrants and asylum seekers are not discriminated against based on sex and women and girls will receive proper protection and support.

The Action is designed and will be implemented according to beneficiary-specific and international gender equality standards.

Human Rights

The Action will ensure that human rights are respected at all times, and activities follow a human rights-based approach. The Action will improve the capacities of border officials to safeguard the basic rights of migrants, including vulnerable groups through increasing capacities to manage borders in line with EU and international Standards. The Action aims to further equip the targeted IPA III beneficiaries with the tools to detect cross-border crime, including trafficking in human beings and smuggling of migrants and improve mechanisms for identification of victims. As such, the action is specifically designed so as to strengthen systems that guarantee human rights. In addition, improvement of border management and security will also improve the right of all citizens, especially related to freedom of movement and safety.

Through the improvement of conditions and operationalisation of migration facilities (output 1), the human rights and fundamental freedoms of the migrants, asylum seekers and foreigners in the centres should be strictly upheld. Detention should be considered as a measure of last resort and at all times, alternatives to detention should be used, in particular with regards to vulnerable persons including minors. It should also be ensured that the migrants and asylum seekers receive the information they need to be able to apply for asylum or other protection entitled to them under international law, and that return policies respect EU and international standards, notably the principle of *non-refoulement*. The capacity-building and support offered through this Action will further equip the institutions to manage the centres in a way that is grounded in a respect for human rights of the occupants, in accordance with EU and international standards.

3.3. EU added value and complementarity with EU and other donors

This Action has been designed in close cooperation with counterparts in the Western Balkans to ensure full complementarity with ongoing bilateral and regional support. Coordination will be ensured with relevant EU Justice and Home Affairs (JHA) agencies and donors via regular communication with the beneficiaries. Procurement of equipment will take place once a thorough assessment and coordination has been made of

potential overlaps with other ongoing assistance, including through EU Member States, and to ensure equipment procured responds to the most pressing needs of the Western Balkan beneficiaries. For equipment purchase, a needs assessment including EU Member States and Frontex involvement would be needed, to avoid overlapping and ensuring synergies.

Ongoing IPA regional programmes '*IPA 2021 EU regional support to protection-sensitive migration management systems in the Western Balkans - PHASE III*', '*IPA 2021 EU regional support to strengthen border security capacities in the Western Balkans*' and '*IPA 2023 EU support to strengthen the fight against migrant smuggling and trafficking in human beings in the Western Balkans*' will complement the Action and all EU support will be closely coordinated at the country-level to ensure against overlaps and duplication of efforts. In particular, the measure will seek to complement the efforts undertaken in the framework of the regional anti-smuggling programme for the Western Balkans, inter alia, through the provision of technical equipment and related training which will not be covered under the regional programme. Support for returns will be closely coordinated with ongoing Frontex and IOM IPA actions, including counselling and reintegration support. Moreover, where possible, activities should be coordinated with relevant actors through relevant programmes in countries of origin to support long-term sustainable reintegration of returnees, including those funded by NDICI-GE.

The action will at all times dovetail with other EU support to the Western Balkans in migration and border management through a comprehensive approach. It will support implementation of the 2022 EU Action Plan on the Western Balkans¹⁹ as well as the 2022 EU-Western Balkans Summit declaration²⁰. The action will also contribute to the successful implementation of ongoing EU initiatives in the region such as the implementation of Frontex Status Agreements and the Western Balkan Anti-Smuggling Operational Partnerships by further building the capacities of the Western Balkan partners to operationalise key migration management tools and integrated border management aligned with EU standards.

Another important instrument of operational support to the Western Balkans is the European Multidisciplinary Platform Against Criminal Threats (EMPACT). As an integral security initiative driven by EU Member States to identify, prioritise and address threats posed by organised and serious international crime, it runs in four-year cycles as a multidisciplinary cooperation platform of EU Member States, supported by all EU institutions, bodies and agencies (such as the European Commission, OLAF, Europol, Frontex, Eurojust, CEPOL, EU-LISA, EFCA, EUIPO, EPPO and others). Third countries, including the Western Balkans are also associated. EMPACT currently implements 15 Operational Action Plans (OAPs) containing operational actions to combat crime in the 10 European Union priorities for 2022-2025, including trafficking in human beings and migrant smuggling. Western Balkan partners have been participating in specific operational actions of EMPACT since 2015. The Action should articulate with EMPACT and create the conditions for the Western Balkan beneficiaries to engage in the relevant activities developed in the EMPACT operational activities and operational action plans (MIGR, THB, HRCN, etc).

Where relevant, the Action will also coordinate with the 2021-2027 Interreg IPA programmes' PO3 and/or ISO2 projects (in particular when funded through Bulgaria-Serbia Interreg IPA CBC, Hungary-Serbia Interreg IPA CBC, Romania-Serbia Interreg IPA CBC, Croatia-Bosnia and Herzegovina-Montenegro Interreg IPA CBC, Croatia-Serbia Interreg IPA CBC, South Adriatic (Italy-Albania-Montenegro), Interreg IPA CBC, Danube Interreg TN and IPA Adriatic Interreg TN) and the priorities set out by the EU Strategy for the Adriatic-Ionian Region (EUSAIR) and the EU Strategy for the Danube Region (EUSDR).

¹⁹ https://home-affairs.ec.europa.eu/eu-action-plan-western-balkans_en

²⁰ <https://www.consilium.europa.eu/en/meetings/international-summit/2022/12/06/>

3.4. Assumptions and risks

External Assumptions

- Relevant staff continue to regularly use new equipment, IT tools, instruments, knowledge and skills in everyday operations;
- Relevant authorities involved in the action dispose of the needed resources (human, administrative, technical, and financial);
- Procurement process conducted in full respect of financial rules, without delays and requisite equipment available on the market;
- Interest and commitment of the stakeholders is maintained, adapted and developed throughout the evolution of the political context;
- Ownership of beneficiaries is respected in implementation.

Risks

| Category | Risks | Likelihood (High/ Medium/ Low) | Impact (High/ Medium/ Low) | Mitigating measures |
|---------------------------------|--|---|-------------------------------------|--|
| Planning, processes and systems | Risk 1: Equipment procured will not be properly maintained following end of the Action | Medium | High | All procurement activities should be accompanied by necessary capacity building, as well as service contracts to ensure proper maintenance of equipment. All procurement of equipment will be preceded by a thorough assessment of specific needs to ensure against duplication. |
| People and organisation | Risk 2: Fundamental rights of migrants seeking international protection are not fully respected | High | High | The Action will at all times support the targeted Western Balkan beneficiaries to ensure the highest fundamental rights standards of treatment of migrants in line with international and EU standards. Activities will be closely coordinated with ongoing regional support programmes and implementation will be followed on the ground by EU Delegations/Office and other third parties such as IOM and UNHCR. Necessary capacity-building will ensure sustainability of results. Political/policy dialogues between the EU and the Western Balkan partners will also address issues of non-respect of such rights. |
| People and the organisation | Risk 3: Lack of institutional knowledge | Medium | High | Develop with beneficiary clear capacity building plan. |

| | | | | |
|-----------------------------|---|---------------|---------------|---|
| | management and capacity skills, exacerbated by high turnover of personnel | | | |
| External environment | Risk 4: Increase in migration flows | Medium | Medium | Maintain a flexible approach to be able to adapt to the evolving needs and sustained close contact and coordination with officials. |
| People and the organisation | Risk 5: Returns are not conducted in line with EU standards | Medium | High | Support to conducting returns to countries of origin will be closely coordinated with ongoing capacity-building programmes in the area of returns to ensure the full respect of fundamental and human rights. Conduct of return operations will be closely monitored. |
| External environment | Risk 6: Returns cannot be conducted due to a lack of cooperation with countries of origin | High | Medium | Capacity-building support will be provided to developing readmission agreements/cooperation agreements with countries of origin to facilitate return operations. |

3.5. Sustainability

The Action has been designed to ensure the long-term sustainability of its results. The sustainability of results of this Action will be achieved through the increased effectiveness of Western Balkan authorities at all levels of the administration to adequately implement migration policies and to regularly use new equipment, IT tools, instruments, knowledge, and skills in everyday operations related to migration management. The sustainability of the equipment supplied directly or indirectly through the Action will be guaranteed through the existence of long-term maintenance and other ancillary contracts accompanying the purchasing and capacity-building within or in complement to the present Action. Coupling capacity building with modernisation of equipment will improve the efficiency of the border management systems as a whole and ensure sustainable results.

Furthermore, where possible, the Action will seek to streamline best practices in line with EU and international standards into the everyday technical operation of the different areas of the beneficiaries' migration management systems. Any ICT development should respect the existing standards or needs for interoperability of IT systems. The necessary technical specifications shall be consulted with the relevant authorities and ensured before the launch of the tender. On returns, support will closely dovetail with ongoing regional programmes to ensure persons subject to return have access to necessary legal information, counselling, and voluntary return assistance. When possible, activities should be coordinated with relevant NDICI-GE programmes in countries of origin to support long-term sustainable reintegration of returnees. The long-term sustainability of results should be ensured by capacity-building initiatives and integrating relevant mechanisms and tools into everyday operations.

Comprehensive policy dialogue should be maintained at all times between the Commission, EU Delegations and implementing partners to ensure strong political will to maintain equipment, infrastructure and training initiatives.

4. IMPLEMENTATION ARRANGEMENTS

4.1. Financing Agreement

In order to implement this action, it is not envisaged to conclude a financing agreement with the IPA III beneficiaries.

4.2. Indicative Implementation Period

The indicative operational implementation period of this action, during which the activities will be carried out and the corresponding contracts and agreements implemented, is 72 months from the date of adoption by the Commission of this Financing Decision.

Extensions of the implementation period may be agreed by the Commission's responsible authorising officer in duly justified cases.

4.3. Implementation Modalities

The Commission will ensure that the EU appropriate rules and procedures for providing financing to third parties are respected, including review procedures, where appropriate, and compliance of the action with EU restrictive measures²¹.

4.3.1. Direct Management (Grants)

(a) Purpose of the grant(s)

A part of this Action will be implemented via a direct grant to the Ministry of Interior in Serbia to contribute to achieving output 3 of the action.

(b) Justification of a direct grant

Under the responsibility of the Commission's authorising officer responsible, the recourse to an award of a grant without a call for proposals is justified because, in accordance with the Financial Regulation Article 195(1), point (f), because the action has specific characteristics requiring a specific type of beneficiary for its technical competence, specialisation or administrative power or nature of the action.

Under the responsibility of the Commission's authorising officer responsible, the grant may be awarded without a call for proposals to the Ministry of Interior in Serbia based on its specific mandate in migration and border management, and adequate operational and administrative capacity to implement the action, in particular regarding returns.

The Commission shall duly substantiate that these conditions are fulfilled in the award decision.

4.3.2. Direct Management (Procurement)

Procurement will contribute to outputs 1, 2, 3, 4 and 5 of the action.

²¹ [EU Sanctions Map](#). Please note that the sanctions map is an IT tool for identifying the sanctions regimes. The source of the sanctions stems from legal acts published in the Official Journal (OJ). In case of discrepancy between the published legal acts and the updates on the website it is the OJ version that prevails.

Depending on the needs and requirements of the individual Western Balkan partners, the Commission has assessed in which Western Balkan partner and for what activities procurement may be the best implementing modality, based on intensive discussions with the EU Delegations/Office and Western Balkan partners as well as the Commission's extensive experience in implementing similar activities in the region. Based on that assessment, the Commission expects procurement to contribute to all five outputs of this action and the procurement budget to be as presented in table 4.5.

4.3.3. Indirect Management with a pillar-assessed entity

A part of this Action may be implemented in indirect management with a pillar assessed entity pursuant to Article 154 Regulation (EU, Euratom) 2018/1046, which will be selected by the Commission's services using the following criteria: adequate operational and administrative capacity to implement the action, proven migration and border management expertise, presence in the region as well as significant previous experience in the implementation of similar assistance.

The implementation by this entity entails undertaking all necessary actions, including through direct implementation of activities, and conducting implementation tasks (procurement and grants award procedures as relevant), to achieve outputs 1, 2, 3, 4, and 5 of the action.

4.3.4. Changes from indirect to direct management (and vice versa) mode due to exceptional circumstances

If the implementation modality under indirect management as defined in section 4.3.3 cannot be implemented due to circumstances beyond the control of the Commission, the modality of implementation by procurements under direct management would be used according to section 4.3.2.

If the implementation modality under direct management as defined in section 4.3.1(grants) or 4.3.2 (procurements) cannot be implemented due to circumstances beyond the control of the Commission, the modality of implementation by indirect management with a pillar-assessed entity would be used according to section 4.3.3.

4.4. Scope of geographical eligibility for procurement and grants

The geographical eligibility in terms of place of establishment for participating in procurement and grant award procedures and in terms of origin of supplies purchased as established in the basic act and set out in the relevant contractual documents shall apply, subject to the following provisions.

The Commission's authorising officer responsible may extend the geographical eligibility on the basis of urgency or of unavailability of services in the markets of the countries or territories concerned, or in other duly substantiated cases where application of the eligibility rules would make the realisation of this action impossible or exceedingly difficult (Article 28(10) NDICI-Global Europe Regulation).

4.5. Indicative Budget

| Indicative Budget components | EU contribution (amount in EUR) |
|--|--|
| Outputs 1-5 (budget line 15.020101.01) composed of: | 54 000 000 |
| Grants (direct management) – cf. section 4.3.1 | 500 000 |

| | |
|--|-------------------------------------|
| Procurement (direct management) – cf. section 4.3.2 | 10 500 000 |
| Indirect management with a pillar assessed entity – cf. section 4.3.3 | 43 000 000 |
| Total | 54 000 000 |
| Performance Measurement – cf. section 5. Audit and verification – cf. section 6 | Will be covered by another Decision |
| Strategic Communication and Public Diplomacy – cf. section 7 | Will be covered by another Decision |
| TOTAL | 54 000 000 |

4.6. Organisational Set-up and Responsibilities

As part of its prerogative of budget implementation and to safeguard the financial interests of the Union, the Commission may participate in the above governance structures set up for governing the implementation of the action.

The Action will be closely coordinated by the relevant EU Delegation/Office in each targeted Western Balkan beneficiary. In designing and implementing activities related to specific procurement activities and Outcomes to be addressed by this Action, the implementing Agency/Organisation will closely coordinate with relevant counterparts, Frontex and the Commission to ensure alignment with EU policy goals and the relevant EU *acquis* under Chapter 24: Justice, freedom, and security. A Steering Committee and/or other governance structure involving the Commission, beneficiary counterparts and the Action implementing agency/organisation will be set-up at beneficiary level to ensure overall management support and strategic guidance to the Action. The Steering Committees will advise on major programmatic decisions, ensure appropriate circulation of information and harmonisation of best practices, and assessing risks to individual activities within the cycle of the Action. The active participation of governmental partners in the planning, implementation, evaluation and monitoring of activities will be a critical element, in order to ensure that activities reflect the needs and priorities on the ground, and to enhance its sustainability.

4.7. Pre-conditions

Effective and timely implementation of the Action is not dependent on any legal or institutional changes. The Commission reserves the right to take appropriate measures, including by re-directing activities in consultation with implementing partners, if it assesses that necessary accompanying measures by beneficiaries are not in place. The assessment of the Commission will rely on reporting by implementing partners, monitoring of the action and dialogue with beneficiaries

5. PERFORMANCE MEASUREMENT

The day-to-day technical and financial **monitoring** of the implementation of this action will be a continuous process, and part of the implementing partner's responsibilities. To this aim, the implementing partner shall establish a permanent internal, technical and financial monitoring system for the action and elaborate regular progress reports (not less than annual) and final reports. Every report shall provide an accurate account of implementation of the action, difficulties encountered, changes introduced, as well as the degree of achievement of its Outputs and contribution to the achievement of its Outcomes, and if possible at the time of reporting, contribution to the achievement of its Impacts, as measured by corresponding indicators (including the relevant indicators used by the Commission in its regular institutional reporting).

The Commission may undertake additional project monitoring visits both through its own staff and through independent consultants recruited directly by the Commission for independent monitoring reviews,

including human rights monitoring (or recruited by the responsible agent contracted by the Commission for implementing such reviews).

Concerning **evaluation**, a mid-term, final or ex post evaluation may be carried out for this action or its components. In case an evaluation is carried out, the evaluation reports shall be shared with the partner country and other key stakeholders. As a result of an evaluation, and where appropriate, in agreement with the partner country, the Commission and the implementing partner jointly decide on the follow-up actions to be taken and any adjustments necessary, including, if indicated, the reorientation of this action or its components. Where a financing agreement is planned, the exception from D+3 shall apply for evaluations.

6. AUDIT AND VERIFICATION

Without prejudice to the obligations applicable to contracts concluded for the implementation of this action, the Commission may, on the basis of a risk assessment, contract independent audit or verification assignments for one or several contracts or agreements concluded under this action.

7. STRATEGIC COMMUNICATION AND PUBLIC DIPLOMACY

All entities implementing EU-funded external actions have the contractual obligation to inform the relevant audiences of the Union's support for their work by displaying the EU emblem and a short funding statement as appropriate on all communication materials related to the actions concerned. To that end they must comply with the instructions given in the 2022 guidance document [*Communicating and raising EU visibility: Guidance for external actions*](#) (or any successor document).

For the purpose of enhancing the visibility of the EU and its contribution to this action, the Commission may sign or enter into joint declarations or statements, as part of its prerogative of budget implementation and to safeguard the financial interests of the Union. Visibility and communication measures should also promote transparency and accountability on the use of funds. The protection of fundamental rights of migrants will be also highlighted. Effectiveness of communication activities on awareness about the action and its objectives as well as on EU funding of the action should be measured.

Implementing partners shall keep the Commission and the EU Delegation/Office fully informed of the planning and implementation of specific visibility and communication activities before the implementation. Implementing partners will ensure adequate visibility of EU financing and will report on visibility and communication actions as well as the results of the overall action to the relevant monitoring committees.